

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on March 31, 2003 at 3 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Joe Balyeat (R)
Rep. Bob Bergren (D)
Rep. Ronald Devlin (R)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Bernie Olson (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)

Members Excused: Rep. Bill Wilson (D)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HJ 39, 3/27/2003
Executive Action: HJ 39

HEARING ON HJ 39

Sponsor: REPRESENTATIVE GAIL GUTSCHE, HD 66

Opening Statement by Sponsor:

REP. GUTSCHE introduced HJ 39 as a request for a study to determine if Montana needs to charge fees for transporting hazardous materials. This bill is a result of a joint effort by several parties. Thirty-nine of the fifty states have instituted hazardous materials fees.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 6.5}

Proponents' Testimony:

Jennifer Banning, Montana Environmental Enforcement Center. MEIC supports this bill and passed out a summary of hazardous materials accidents.

EXHIBIT(trh68a01)

{Tape: 1; Side: A; Approx. Time Counter: 6.5 -10.}

Pat Clinch, Montana Firefighters Association. Testified that they need to have experts to look at the types of materials and how to handle the materials.

{Tape: 1; Side: A; Approx. Time Counter: 10.- 12.6}

Opponents' Testimony:

Pat Keim, Burlington Northern Santa Fe Railway, opposes this bill in its current form. It is not a study bill; it directs the agency to implement the suggested fees from this committee.

EXHIBIT(trh68a02)

{Tape: 1; Side: A; Approx. Time Counter: 12.6 - 17}

Pam Langley, Montana Agricultural Business Association. This bill calls for increased fees and will hurt the agriculture community.

{Tape: 1; Side: A; Approx. Time Counter: 17 - 19.8}

Barry Stang, Executive Director of Montana Motor Carriers Association, explained that the MMC opposes this bill and

there are some states that are looking at reducing the HAZMAT fees. He said, "We need to look at the federal level."

{Tape: 1; Side: A; Approx. Time Counter: 19.8 - 23.3}

Don Allen, Western Environmental Trade Association. WETA opposes this bill for the reasons stated by the other opponents.

{Tape: 1; Side: A; Approx. Time Counter: 23.3 - 25.1}

Mike Halligan, Washington Corporation and Montana Rail Link, opposes this bill for the above reasons.

{Tape: 1; Side: A; Approx. Time Counter: 25.1- 28}

Informational Testimony:

Lisa Peterson, explained that she was here to offer advice and answer questions because of her past experience with hazardous materials.

{Tape: 1; Side: A; Approx. Time Counter: 28 - 28.7}

Jim Greene, Administrator of Disaster and Emergency Services, State of Montana, said "I am here to answer questions."

{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.5}

Questions from Committee Members and Responses:

REPS. OLSEN, SMITH, BERGREN, and BOOKOUT-REINICKE questioned Director Galt and Mr. Greene.

{Tape: 1; Side: B; Approx. Time Counter: 1.5 - 17.6}

Closing by Sponsor:

REP. GUTSCHE closed the bill asking the committee to consider this bill, stating she was willing to accept any amendments that make a better bill.

{Tape: 1; Side: B; Approx. Time Counter: 17.6 - 19.9}

EXECUTIVE ACTION ON HJ 39

Motion: REP. BERGREN moved that HJ 39 DO PASS.

Motion/Vote: REP. BERGREN moved that HJ 39 BE AMENDED. Motion carried 8-5 with REPS. DEVLIN, OLSON, ROME, STEINBEISSER, and WAITSCHIES voting no.

Motion/Vote: REP. BERGREN moved that HJ 39 DO PASS AS AMENDED. Motion failed 6-7 with REPS. BERGREN, BOOKOUT-REINICKE, GALLIK, KEANE, SMITH, and WILSON voting aye by roll call vote.

Motion/Vote: REP. BALYEAT moved that HJ 39 BE TABLED AND THE VOTE REVERSED. Motion carried 7-6 with REPS. BERGREN, BOOKOUT-REINICKE, GALLIK, KEANE, SMITH, and WILSON voting no.

{Tape: 1; Side: B; Approx. Time Counter: 19.9 - 30}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 8.2}

EXECUTIVE ACTION ON HB 322

Motion/Vote: REP. BERGREN moved that HB 322 BE TAKEN FROM TABLE. Motion failed 6-6 with REPS. BERGREN, BALYEAT, BOOKOUT-REINICKE, GALLIK, SMITH, and WAITSCHIES voting aye. REP. WILSON not voting. This was a roll call vote.

ADJOURNMENT

Adjournment: 4:45 P.M.

REP. KARL WAITSCHIES, Chairman

PATI O'REILLY, Secretary

KW/PO

EXHIBIT (trh68aad)